

EXHIBIT “E”

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6
7 UNITED STATES DISTRICT COURT
8 NORTHERN DISTRICT OF CALIFORNIA
9 SAN JOSÉ FACILITY

10
11 ELIEL PAULINO,

12
13 Plaintiff,

14 v.

15 MARCO CRUZ, INDIVIDUALLY
16 AND AS AN OFFICER OF THE
17 SAN JOSE POLICE DEPARTMENT,
GERARDO SILVA,
18 INDIVIDUALLY AND AS AN
19 OFFICER OF THE SAN JOSE
POLICE DEPARTMENT,
20 GURBAKSH SOHAL,
INDIVIDUALLY AND AS AN
21 OFFICER OF THE SAN JOSE
POLICE DEPARTMENT, AND
22 DOES 1-10, INCLUSIVE,

23 Defendants.

Case No.: CV16-02642- NC

**DECLARATION OF JUAN
RAMIREZ IN SUPPORT OF
PLAINTIFF'S OPPOSITION TO
DEFENDANTS' MOTION FOR
SUMMARY JUDGMENT**

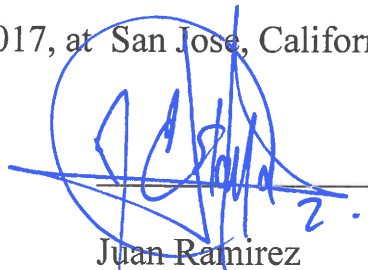
DECLARATION OF JUAN RAMIREZ

I, Juan Ramirez, hereby declare as follows:

1. I am a competent adult over the age of 18.
2. I am personally familiar with the facts contained herein and would and could competently testify thereto if called upon to do so.
3. On August 16, 2015, at approximately 2:00 a.m., I witnessed Officer Cruz, Officer Sohal and Officer Silva physically assault Eliel Paulino behind my apartment building at 3137 Cadillac Drive in San Jose, California.
4. As Mr. Paulino was leaning against a patrol vehicle after being questioned by by Officer Silva and Officer Sohal, Officer Cruz grabbed Mr. Paulino and caused him to lose his balance.
5. As Mr. Paulino was falling down he was pushed by Officer Cruz into the side view mirror of the patrol car and caused it to break.
6. After being pushed into the patrol car, Officer Cruz threw Mr. Paulino onto the ground.
7. As Mr. Paulino was being thrown to the ground by Officer Cruz, Officer Silva struck Mr. Paulino with his baton twice in the stomach.
8. As Mr. Paulino bent over from the baton strikes to the stomach, Officer Cruz then threw him down in front of the patrol vehicle. Officer Cruz then placed Mr. Paulino left arm in an arm bar and Mr. Paulino was lying face down and his right arm was trapped under his body.
9. Immediately after landing on his stomach, Officer Sohal jumped on Mr. Paulino's back and began striking him with his baton. Officer Sohal struck Mr. Paulino between 12 to 14 times on his right arm.

10. At no point prior to being grabbed did Mr. Paulino threaten Officer Cruz in any way.
11. At no point prior to being thrown to the ground did Mr. Paulino resist Officer Cruz in any way.
12. At no point after he was thrown to the ground did Mr. Paulino resist the Officers in any way.
13. At no point after being thrown to the ground did Mr. Paulino fight the Officers in any way.
14. At no point while being hit with the batons was Mr. Paulino resisting or fighting with the Officers.
15. The assault by Officer Cruz, Officer Silva and Officer Sohal was captured on a security camera that I installed behind the apartment building.
16. The video accurately shows that Mr. Paulino did not challenge, resist, fight or threaten the Officers at the time of his arrest.
17. After the physical assault by the Officers on Eliel Paulino, I gave a copy of the video to him so he would have proof of what they did to him

Executed this 15 day of May, 2017, at San Jose, California.



Juan Ramirez